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UNITED STATES DISTRICT COURT

DISTRICT OF OREGON

PORTLAND DIVISION

MARILYN HARTMANN, an individual,

Case No. 3:22-cv-1423

Plaintiff,

v.

**DEFENDANT WALMART, INC.'S
NOTICE OF REMOVAL**

WALMART, INC., a Delaware corporation,

JURY TRIAL REQUESTED

Defendant.

PLEASE TAKE NOTICE that pursuant to 28 U.S.C. § 1441, § 1446 and § 1332(a), Defendant Walmart, Inc. (hereinafter "Defendant") removes this action from the Circuit Court of the State of Oregon for the County of Multnomah to the United States District Court of Oregon, Portland Division. The grounds for removal of this action are:

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RELEVANT FACTS

On August 29, 2022, Plaintiff filed a Complaint in the Circuit Court of Multnomah County, Oregon. Copies of the Summons and Complaint are attached hereto as Exhibits A and B, respectively. *See* Declaration of Jessica Lancaster (hereinafter “Lancaster Dec.”), ¶2. On September 9, 2022, Plaintiff served Walmart, Inc. with a Summons and Complaint captioned *Marilyn Hartmann, an individual v. Walmart, Inc., a Delaware corporation*, Case No: 22CV29334, filed in the Circuit Court for the State of Oregon for the County of Multnomah, State of Oregon. *See* Lancaster Dec., ¶3, Ex. C. These documents, taken together, constitute all process, pleadings and orders served on Walmart, Inc. in that action up to the present date. Lancaster Dec., ¶4.

GROUND FOR REMOVAL

Pursuant to 28 U.S.C. § 1441(a), a defendant may remove an action filed in the state court to the United States District Court if the district court has diversity jurisdiction over the action. This action is one over which the district court has diversity jurisdiction under 28 U.S.C. § 1332(a)(1). The grounds for removal of this action are:

1. Plaintiff’s principal claims for relief against the defendants exceed \$75,000. Plaintiff seeks damages of \$330,000. Complaint ¶12.

2. Plaintiff and Defendant are residents of different states. On information and belief, Plaintiff is a resident of Oregon. *See* Complaint ¶1. Defendant is a Delaware foreign business corporation registered in the State of Oregon and headquartered in Arkansas. Lancaster Dec., ¶5. Therefore, the United States District Court has diversity jurisdiction pursuant to 28 U.S.C. § 1332(a)(1).

3. This Notice of Removal is timely pursuant to 28 U.S.C. § 1446(b), as less than 30 days have elapsed since copies of the Summons and Complaint were served on Walmart, Inc. A copy of the Service of Process is attached to the Lancaster Dec. as Ex. C.

4. No further proceedings have occurred in the Circuit Court of the State of Oregon for the County of Multnomah as of the date of this removal other than outlined herein.

5. Counsel for Walmart, Inc. will file a copy of this Notice of Removal with the Clerk of the Circuit Court of the State of Oregon for the County of Multnomah and will give notice of the same to Plaintiff as required by 28 U.S.C. § 1446(d).

WHEREFORE, Defendant prays that this action be removed from the Circuit Court for the State of Oregon for the County of Multnomah and placed on the docket of the United States District Court for the District of Oregon in the Portland Division.

DATED this 21st day of September, 2022.

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UNITED STATES DISTRICT COURT

DISTRICT OF OREGON

PORTLAND DIVISION

MARILYN HARTMANN, an individual,

Case No. 3:22-cv-1423

Plaintiff,

CERTIFICATE OF SERVICE

v.

WALMART, INC., a Delaware corporation,

Defendant.

I hereby certify that on the 21st day of September, 2022, I will electronically file the foregoing with the Clerk of the Court using the CM/ECF system, which will then send a notification of such filing to all registered individuals.

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Additionally, I hereby certify that a true copy of the foregoing **DEFENDANT WALMART, INC.'S NOTICE OF REMOVAL** was served as stated below on:

Gretchen Mandekor
Rosenbaum Law Group, P.C.
1826 NE Broadway
Portland, OR 97232
Attorneys for Plaintiff

- ☐ By hand delivery
- ☒ By first-class mail*
- ☐ By overnight mail
- ☐ By facsimile transmission:
Fax #:
- ☒ By e-mail:
gretchen@rosenbaumlawgroup.com
- ☒ By U.S. District Court CM/ECF e-filing
service to registered parties

*With first-class postage prepaid and deposited in Portland, Oregon.

DATED this 21st day of September, 2022.

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